



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

COPY MAILED

NOV 15 2007

OFFICE OF PETITIONS

In re Application of
Heinrich Dohmann et al.
Application No. 10/679,200
Filed: October 3, 2003
Attorney Docket No. **2309.2003-001**

**DECISION ON PETITION
UNDER § 1.183**

This is a decision on the petition, filed October 18, 2007, under 37 CFR 1.47(a), which is being treated under 37 CFR § 1.183 for acceptance of a supplemental declaration without the inclusion of the signatures of all inventors as required by §§ 37 CFR 1.67 and 1.63.¹

The petition is **GRANTED**.

Both of the joint inventors, signed the original declaration for patent filed in this application, pursuant to § 1.63(d). However, the title of the invention in the oath/declaration filed January 26, 2004 was incorrect and as a result, a substitute declaration was required by the non-Final Office Action mailed May 25, 2007. In response thereof, the supplemental oath/declaration is signed by joint inventor Heinrich Dohmann but not by joint inventor Stefan Wickenkamp.

Petitioners assert that copies of the application materials including the supplemental declaration were forwarded to and delivered to Mr. Wickenkamp's last known address but to date he has not returned an executed copy of same.

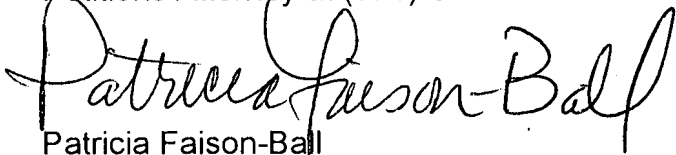
The supplemental declaration has been reviewed and found in compliance with §§ 1.67 and 1.63. In view of the foregoing, it is concluded that waiver of the requirement that the supplemental declaration be signed by joint inventor Wickenkamp is appropriate.

Petitioners are advised however that the fee for a petition under 37 CFR 1.183 is set at \$400.00 not \$200.00 as is submitted with the petition. Therein, petitioner's deposit account no. 08-0380 has been charged in the amount of \$200.00.

¹Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration or to provide all information is a waiver of 37 CFR 1.67 and 1.63. See MPEP 603.

This matter is being referred to Technology Center 1791 for further examination as appropriate.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive style with a large, looping initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions